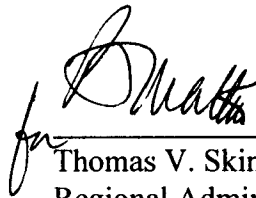


## DESIGNATION OF CLERK

Pursuant to 40 CFR Section 24.03(a), I hereby designate the Regional Hearing Clerk, Region 5 to receive all initial orders, final orders, decisions, responses, memoranda, and documents regarding orders filed under 40 CFR Part 24, and to maintain the official record and docket for these matters.

3-26-02

Date



Thomas V. Skinner  
Regional Administrator, Region 5  
U.S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

APR 03 2002

MEMORANDUM

SUBJECT: Designation of Regional Hearing Clerk as "Clerk" under  
40 CFR Part 24

FROM:

Bertram C. Frey  
Acting Regional Counsel

Robert Springer, Director  
Waste, Pesticides & Toxics Division

TO:

Thomas V. Skinner  
Regional Administrator

RECOMMENDED ACTION

The purpose of this memorandum is to recommend that, pursuant to 40 CFR 24.03(a), you designate the Regional Hearing Clerk as the "Clerk" for those matters which U.S. EPA, Region 5 files under 40 CFR Part 24.

BACKGROUND:

The Rules Governing Issuance and Administrative Hearings on Interim Status Corrective Action Orders found at 40 CFR Part 24 require that the Regional Administrator designate a Clerk "to receive all initial orders, final orders, decisions, responses, memoranda, and documents regarding the order and to maintain the official record and docket." It is our understanding that initially, and for some period of time, orders issued under Part 24, along with the administrative records and other related papers, were filed with the Regional Hearing Clerk. A few years ago that practice was changed so that the orders, and their related documents were filed with the secretary for the Chief, of the Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division. We are not aware that the Region ever issued a formal designation under 40 CFR 24.03(a) in either case.

We believe that the best practice would be to have the Regional Hearing Clerk serve as Clerk under 40 CFR Part 24 for the following reasons:

- 1) the Regional Hearing Clerk receives all other Regional administrative filings;
- 2) the Regional Hearing Clerk's procedures allows for receipt of filings at any time between 8:00 a.m. and 5:00 p.m., on all business days;
- 3) there are procedures already in place as to the handling of filings when the Regional Hearing Clerk is on annual or sick leave;
- 4) the Regional Hearing Clerk is better positioned to be able to accommodate members of the public who want to come in and review the docket and,
- 5) a greater sense of impartiality would be created if the docket was located in a place other than with the secretary of the complainant.

Therefore, we recommend that you execute the attached designation. If you have any questions regarding this matter, please contact Karen Peaceman, Associate Regional Counsel at 353-5751.

cc: Joseph Boyle  
Sonja Brooks  
Tinka Hyde  
Regina Kossek  
Karen Peaceman  
ORC Attorneys